



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FCP/171686

PRELIMINARY RECITALS

Pursuant to a petition filed January 28, 2016, under Wis. Admin. Code § DHS 10.55, to review a decision by the Racine County Department of Human Services in regard to Medical Assistance, a hearing was held on March 17, 2016, at Racine, Wisconsin.

There is no longer any issue for determination by the Division of Hearings and Appeals.

NOTE: The record was held open until March 18, 2016 to give Petitioner's guardian an opportunity to provide copies of the Petitioner's attorney fees for setting up the guardianship and receipts for her prescriptions. Petitioner's guardian submitted a packet with the documents. It has been marked as Exhibit 8 and entered into the record.

On March 18, 2016, the agency issued a new notice of decision indicating that Petitioner's cost share for January and February 2016 would be \$849.48; for March it would \$147.33 and for April going forward it would be \$713.58. This notice has been marked as Exhibit 9 and entered into the record.

On March 30, 2016, ALJ Ishii contacted the Petitioner's representative to see if the appeal issue was resolved. He indicated that he did not get the notice. On that same date, ALJ Ishii forwarded, by e-mail, a copy of the notice and asked Petitioner's representative to let her know whether the appeal issue was resolved.

On April 6, 2016, the Petitioner's representative submitted an e-mail indicating that he was in agreement with the cost-share calculations indicated in the March 18, 2016 notice, although he was still waiting for the Family Care agency to update its records.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED], Economic Support Specialist
Racine County Department of Human Services
1717 Taylor Ave.
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:
Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Racine County.
2. On November 29, 2015, the Petitioner was admitted to an assisted living facility. (Exhibit 6, pg. 32)
3. On December 1, 2015, the Petitioner applied for Elderly, Blind, Disabled Medicaid benefits. (Exhibit 7)
4. At some point, the Petitioner applied for Long Term Care/ FamilyCare benefits. The agency processed the application on January 4, 2016. (Exhibit 7)
5. On January 1, 2016, the agency sent the Petitioner a notice, in care of her son/guardian, indicating that effective January 1, 2016, she was enrolled in the Family Care Waivers program and that she would have to pay a cost share of \$1,050.85 per month to participate in the Family Care program. (Exhibit 2)
6. Petitioner's son, on behalf of Petitioner, filed a request for fair hearing that was received by the Division of Hearings and Appeals on January 28, 2016. (Exhibit 1)
7. On March 18, 2016, the agency issued a new notice of decision indicating that Petitioner's cost share for January and February 2016 would be \$849.48; for March it would \$147.33 and for April going forward it would be \$713.58. (Exhibit 9)

DISCUSSION

The Petitioner's representative filed an appeal to contest a cost share calculation of \$1050.85 per month, effective January 1, 2016. The day after the March 17, 2016 hearing, the agency issued a notice, significantly reducing the Petitioner's cost share. The Petitioner's representative subsequently indicated that he was in agreement with the new determination. As such, there is no longer any disputed issue for the Division of Hearings and Appeals to resolve, at this time.

If I have misunderstood the situation, the Petitioner is directed to the rehearing instructions below.

CONCLUSIONS OF LAW

There is no longer any issue for determination by the Division of Hearings and Appeals.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 6th day of April, 2016

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on April 6, 2016.

Racine County Department of Human Services
Office of Family Care Expansion
Health Care Access and Accountability